



## **PRESS RELEASE**

**State of Iowa  
Citizens' Aide/Ombudsman**

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### **Iowa Supreme Court Orders Former State Prison Official to Answer Ombudsman's Questions**

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**DES MOINES** – The Iowa Supreme Court today ruled that the Iowa Citizens' Aide/Ombudsman may conduct a sworn interview of a former Department of Corrections (DOC) administrative law judge (ALJ) who ordered an assaultive prisoner to forfeit twice as much earned time as DOC policy allowed.

DOC had refused to allow the interview after arguing that the Ombudsman lacked the authority to ask questions about an ALJ's thought processes. The Supreme Court ruled that a common-law "mental-process privilege" does exist, but decided that the privilege was void in this particular case because the Ombudsman had made "a strong showing of ... improper behavior" by DOC officials involved in the inmate's discipline.

The Ombudsman found that ALJ Deborah Edwards had sentenced inmate Randy Linderman to 180 days' loss of earned time after Warden Cornell Smith wrote her an email that stated, "Please exercise sanctions to fit situation (180 to 365)." At the time of the sentencing, the maximum earned-time sentence for the infraction as charged was 90 days. By law, ALJs are required to be free from outside influences; by policy, DOC wardens field inmate appeals of ALJs' decisions.

The state's high court said it "cannot condone" such "troubling" communications between a warden and an ALJ "whose independence is statutorily mandated, particularly when the warden himself is to hear the inmate's appeal."

Ombudsman Ruth Cooperrider said her office plans to proceed with a sworn interview of the former ALJ so it can complete its investigation of the discipline issued against Linderman.

"It is vitally important that administrative law judges in the State of Iowa act fairly and independently, and in this case, we have concerns on both counts," Cooperrider said. "I'm pleased that the Supreme Court recognized our role to foster government accountability."

The issue settled by the Court today represents one of several legal challenges the Iowa Attorney General's office has made to the Ombudsman's authority in recent years. Those challenges include the Ombudsman's access to closed-session records, medical records, communications between agency officials and their attorneys, and matters in litigation.